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**FILED**  
FEB 10 2008

DEPARTMENT OF REAL ESTATE

By K. M. Scholt

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Application of ) NO. H-28346 LA  
HERNAN RODOLFO SAAVEDRA, )  
Respondent. )

ORDER GRANTING UNRESTRICTED LICENSE

On April 6, 2000, a Decision was rendered herein denying the Respondent's application for a real estate license, but granting Respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on May 25, 2000. Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

On October 14, 2004, Respondent petitioned for the removal of restrictions attaching to his real estate salesperson license.

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1 I have considered the petition of Respondent and  
2 the evidence submitted in support thereof. Respondent has  
3 demonstrated to my satisfaction that Respondent meets the  
4 requirements of law for the issuance to Respondent of an  
5 unrestricted real estate salesperson license and that it  
6 would not be against the public interest to issue said  
7 license to Respondent.  
8

9 NOW, THEREFORE, IT IS ORDERED that Respondent's  
10 petition for removal of restrictions is granted and that a real  
11 estate salesperson license be issued to Respondent if Respondent  
12 satisfies the following conditions within nine (9) months from  
13 the date of this Order:

14 1. Submittal of a completed application and payment  
15 of the fee for a real estate salesperson license.

16 2. Submittal of evidence of having since the most  
17 recent issuance of an original or renewal real estate license,  
18 taken and successfully completed the continuing education  
19 requirements of Article 2.5 of Chapter 3 of the Real Estate  
20 Law for renewal of a real estate license.

21 This Order shall be effective immediately.

22 Dated: 2-7-06

23 JEFF DAVI  
24 Real Estate Commissioner  
25   
26  
27

cc: Hernan R. Saavedra  
17247 Bircher Street  
Granada Hills, CA 91344

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Application of )

Case No. H-28346 LA

HERNAN RODOLFO SAAVEDRA,

OAH No. L-1999120449

Respondent(s)

FILED  
JAN - 6 2000  
DEPARTMENT OF REAL ESTATE

NOTICE OF HEARING ON APPLICATION

To the above-named Respondent(s):

By CS

You are hereby notified that a hearing will be held before the Department of Real Estate at the Office of Administrative Hearings, 320 West Fourth Street, Suite 630, Los Angeles, CA 90013-1105 on WEDNESDAY, FEBRUARY 16, 2000, at the hour of 1:30 P.M., or as soon thereafter as the matter can be heard, upon the Statement of Issues served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you are not present nor represented at the hearing, the Department may act upon your application without taking evidence.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay for his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: January 6, 2000

By

Darlene Averetta  
DARLENE AVERETTA, Counsel

cc: Hernan Rodolfo Saavedra  
Pacific First Bancorp Mortgage Corp.  
Sacto.  
OAH

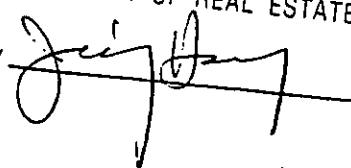
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**FILED**  
APR 14 2000  
DEPARTMENT OF REAL ESTATE

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \* \* \*

By 

In the Matter of the Application of)

No. H-28346 LA

HERNAN RODOLFO SAAVEDRA,

L-1999120449

Respondent.

DECISION

The Proposed Decision dated March 10, 2000, of the Administrative Law Judge of the Office of Administrative Hearings, is hereby adopted as the Decision of the Real Estate Commissioner in the above-entitled matter.

The application for a real estate salesperson license is denied, but the right to a restricted real estate salesperson license is granted to respondent. There is no statutory restriction on when a new application may be made for an unrestricted license. Petition for the removal of restrictions from a restricted license is controlled by Section 11522 of the Government Code. A copy of Section 11522 is attached hereto for the information of respondent.

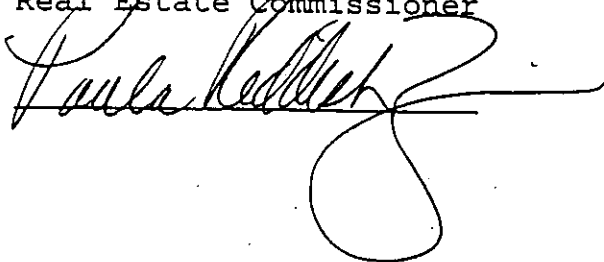
If and when application is made for a real estate salesperson license through a new application or through a petition for removal of restrictions, all competent evidence of rehabilitation presented by the respondent will be considered by the Real Estate Commissioner. A copy of the Commissioner's Criteria of Rehabilitation is attached hereto.

This Decision shall become effective at 12 o'clock noon on May 4, 2000.

IT IS SO ORDERED

April 6, 2000

PAULA REDDISH ZINNEBANN  
Real Estate Commissioner



BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Application of:

HERNAN RODOLFO SAAVEDRA,

Respondent.

Case No. H-28346 LA

OAH No. L-1999120449

**PROPOSED DECISION**

This matter came on regularly for hearing before Milford A. Maron, Administrative Law Judge with the Office of Administrative Hearings on February 16, 2000, at Los Angeles, California. The Complainant was represented by Darlene Averetta, Staff Counsel. The Respondent Hernan Rodolfo Saavedra, appeared in person without counsel. Oral and documentary evidence having been received, and the Administrative Law Judge makes the following factual findings:

1

Thomas McCrady, Complainant, is a Deputy Real Estate Commissioner of the State of California, and made the Statement of Issues in his official capacity.

2

Respondent made application to the Department of Real Estate for a real estate salesperson's license on or about February 1, 1999.

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On or about November 30, 1995, in the Municipal Court of Los Angeles, Criminal Judicial District, County of Los Angeles, State of California, Respondent was convicted on his plea of nolo contendere of violating Insurance Code Section 750(a) (unlawful referrals<sup>1</sup>), a felony. Said crime involves moral turpitude and bears a substantial relationship to the qualifications, functions and duties of a real estate licensee.

4

A. Respondent testified in his own behalf but failed to offer any mitigation or extenuation to the offense. Respondent believes he was wrongly accused. No other blemish exists on his record.

B. Respondent is desirous of engaging in real estate sales, either full time or part-time as the situation may develop.

\* \* \* \* \*

Pursuant to the foregoing findings of fact, the Administrative Law Judge makes the following determination of issues:

1

Cause for denial of respondent's applications exists pursuant to Sections 480(a)(1) and 10177(b) of the Business and Professions Code.

2

No public purpose would be furthered by denying respondent a restricted license.

WHEREFORE, THE FOLLOWING ORDER is hereby made:

Respondent's application for a real estate salesperson license is denied; provided, however, a restricted real estate salesperson license shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code. The restricted license issued to the respondent shall be subject to all the provisions of Section 10156.7 of the Business and Professions Code and to the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of said Code:

<sup>1</sup> "750(a) Except as provided in Section 750.5, any person acting individually or through his or her employees or agents, who engages in the practice of processing, presenting, or negotiating claims, including claims under policies of insurance, and who offers, delivers, receives, or accepts any rebate, refund, commission, or other consideration, whether in the form of money or otherwise, as compensation or inducement to or from any person for the referral of procurement of clients, cases, patients, or customers, is guilty of a crime...."

1. The license shall not confer any property right in the privileges to be exercised, and the Real Estate Commissioner may by appropriate order suspend the right to exercise any privileges granted under this restricted license in the event of:

- (a) The conviction of Respondent (including a plea of nolo contendere) of a crime which is substantially related to Respondent's fitness or capacity as a real estate licensee; or
- (b) The receipt of evidence that Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner of conditions attached to this restricted license.

2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license, nor the removal of any of the conditions, limitations or restrictions attaching to the restricted license until one year has elapsed from the date of issuance of the restricted license to Respondent.

3. With the application for license, or with the application for transfer to a new employing broker, Respondent shall submit a statement signed by the prospective employing real estate broker on a form RE 552 (Rev. 4/88) approved by the Department of Real Estate which shall certify as follows:

- (a) That the employing broker has read the Decision which is the basis for the issuance of the restricted license; and
- (b) That the employing broker will carefully review all transaction documents prepared by the restricted licensee and otherwise exercise close supervision over the licensee's performance of acts for which a license is required.

Dated: Mar 10, 2000



MILFORD A. MARON  
Administrative Law Judge  
Office of Administrative Hearings

MAM:sp

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1 DARLENE AVERETT, Counsel (SBN 159969)  
2 Department of Real Estate  
3 320 West 4th Street, Suite 350  
4 Los Angeles, California 90013-1105  
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7 Telephone: (213) 576-6982  
8 (Direct) (213) 576-6904  
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FILED  
DEC - 9 1999  
DEPARTMENT OF REAL ESTATE

By C. J.

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

11 In the Matter of the Application of ) NO. H-28346 LA  
12 HERNAN RODOLFO SAAVEDRA, )  
13 Respondent. ) STATEMENT OF ISSUES  
14

15 The Complainant, Thomas McCrady, a Deputy Real Estate  
16 Commissioner of the State of California, for Statement of Issues  
17 against HERNAN RODOLFO SAAVEDRA (hereinafter "Respondent"),  
18 alleges as follows:

19 I

20 Respondent, pursuant to the provisions of Section  
21 10153.3 of the Business and Professions Code (hereinafter  
22 "Code"), made application to the Department of Real Estate of  
23 the State of California for a real estate salesperson license on  
24 or about February 1, 1999, with the knowledge and understanding  
25 that any license issued as a result of said application would be  
26 subject to the conditions of Code Section 10153.4.

27





II

1 The Complainant, Thomas McCrady, a Deputy Real Estate  
2 Commissioner of the State of California, makes this Statement  
3 of Issues in his official capacity.  
4

III

5 On or about November 30, 1995, in the Municipal Court  
6 of Los Angeles, Criminal Judicial District, County of Los  
7 Angeles, State of California, Respondent HERNAN RODOLFO SAAVEDRA,  
8 aka Hernan Saavedra, was convicted on his plea of nolo contendere  
9 of violating Insurance Code Section 750(a) ("Offer Commission for  
10 Client Location"), a felony. Said crime involves moral turpitude  
11 and bears a substantial relationship under Section 2910, Title  
12 10, Chapter 6, California Code of Regulations, to the  
13 qualifications, functions or duties of a real estate licensee.  
14

IV

15 The crime of which Respondent was convicted, as alleged  
16 in Paragraph III, above, constitutes cause for denial of  
17 Respondent's application for a real estate license under Code  
18 Sections 480(a)(1) and 10177(b).  
19

20 These proceedings are brought under the provisions of  
21 Section 10100, Division 4 of the Business and Professions Code of  
22 the State of California and Sections 11500 through 11528 of the  
23 Government Code.

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1 WHEREFORE, the Complainant prays that the above-  
2 entitled matter be set for hearing and, upon proof of the charges  
3 contained herein, that the Commissioner refuse to authorize the  
4 issuance of, and deny the issuance of, a real estate salesperson  
5 license to Respondent, HERNAN RODOLFO SAAVEDRA, and for such  
6 other and further relief as may be proper in the premises.  
7 Dated at Los Angeles, California  
8 this 9th day of December, 1999.

9  
10 THOMAS MCCRADY  
11 Deputy Real Estate Commissioner  
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25 cc: Hernan Rodolfo Saavedra  
26 Pacific First Bancorp Mortgage Corp.  
27 Thomas McCrady  
Sacto.  
JL

